IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

Bail Appl..No. 6347 of 2007()

CRIME NO. 342/2007 OF VANCHIYOOR POLICE STATION

PETITIONER:

SAJESH, AGED 24 YEARS,
S/O. SIVASANKARAPILLA, POOVANTHUMVILA,
KOTTARAKKARA TALUK.

BY ADV. SRI.A.T.ANILKUMAR

RESPONDENTS:

CIRCLE INSPECTOR OF POLICE,
VANCHIYOOR POLICE STATION, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6347 of 2007

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Dated this the 22nd day of October, 2007

ORDER

The petitioner is the 2nd accused. Altogether there are seven accused persons. The accused persons including the petitioner face allegations for offences punishable, inter alia, under Section 120 B and 392 IPC. The petitioner was arrested on 27.9.07. He continues in custody from that date.

2. The crux of the allegations against the petitioner is that he along with co-accused allegedly took away the Maruthi car of the de facto complainant by use of force, claiming that the vehicle was liable to be seized because of breach of condition of the hire purchase agreement. In the investigation it was revealed that there was no such breach so far. Seizure was effected by the accused with the culpable intention to commit theft. That incident took place on 21.9.07. Investigation is in progress.

3. Another accused - the 1st accused in the case was arrested later by the Varkala Police in another identical crime, being allegedly involved in the said crime. The interrogation of the said accused revealed the complicity of himself and the petitioner herein in the present crime. Accordingly the petitioner was arrested on 27.9.07. Investigation is in progress.

4. The learned counsel for the petitioner submits that the petitioner is innocent. He may now be enlarged on bail, prays the learned counsel for the petitioner. The learned Public Prosecutor vehemently opposes the application. The learned Public Prosecutor submits that the investigation is not complete. The allegations raised are serious. The petitioner is found to be involved in many other crimes, including a crime registered under Section 489 B and C IPC. The Investigators may be given reasonable further time to complete the investigation. Considering the antecedents of the petitioner, he may not be released on bail at this early stage, submits the learned Public Prosecutor.

5. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am satisfied that in a serious crime like this the investigators are certainly entitled to further time to complete the investigation.

6. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court or the Sessions court for bail again at a later stage of the investigation not, at any rate, prior to 05/11/2007. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE